

Environmental Justice, Politics and the Grassroots Movement

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It's been a while since the term "environmental racism" was coined by Dr. Benjamin Chavis, Jr. to describe the discrimination suffered by people of color concerning hazardous waste siting.¹ Since then, minority communities have become more aware of the dangers of hazardous waste and are fighting against polluters. However, the most effective line of resistance is still formed in the most affluent neighborhoods, and communities of color continue to suffer a disproportionate share of toxic pollution. The environmental justice movement within communities of color is faced with diverse problems of mobilization, organization, and effective resistance. The purpose of this paper is to analyze grassroots mobilization efforts within the environmental justice movement in light of environmental politics.

INTRODUCTION

Robert D. Bullard traces the environmental justice movement (EJM) to the civil rights movement of the late 1960's. The first recorded case of the movement occurred in 1967 in Houston, Texas. Two student groups joined forces to protest against the treatment of the city's African American citizens at a junior high school and the drowning of an eight-year old girl at a city-owned garbage dump within the community.²

In 1982, in Warren County, North Carolina, the first environmental justice protesters were jailed for protesting the dumping of PCB-contaminated soil, the term "environmental racism" was coined,³ and EJM began to gain national attention. The movement took shape in the 1980's under the auspices of established civil rights organizations such as the NAACP and the United Church of Christ.⁴

Taking its cue from civil rights organizations, EJM utilizes a number of tactics which include: protests, litigation, demonstrations, lobbying, reports, petitions, voting, fact-finding, and public education.

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Unlike civil rights organizations, however, EJ developed as a grassroots movement and grew from the bottom up. To date, the greatest activity in EJ occurs at the grassroots level. EJ grassroots groups are organized around waste facility siting, lead contamination, pesticides, water and air pollution, Native self government, nuclear testing, and workplace safety.⁵

EJ comprises of : grassroots groups such as Citizens for Environmental Justice, Inc. (GA), Northeast Community Action Group (Houston, Texas), West Harlem Environmental Action Committee (NY), and Mothers of East Los Angeles (LA); network organizations such as Southwest Organizing Project (SWOP); professional networks such as American Association of Blacks in Energy; researchers and academics mainly at Historically Black Colleges and Universities' and business forums such as the Forum for Communication Transformation in Portland, Oregon.⁶

Environmentalists v Environmental Justice Movement

The first conclusive study on environmental racism was done in 1987 by the United Church of Christ Commission for Racial Justice. The study titled, "Toxic Waste & Race in the United States: A National Report on the Racial and Socioeconomic Characteristic of Communities Surrounding Hazardous Waste Sites" found that race was the single most important factor - more important than income, home ownership rate, and property values - in the siting of hazardous waste facilities.⁷ The study stated that :

communities with the greatest number of commercial hazardous waste facilities have the highest composition of ethnic residents (mostly African American)...that three out of every five black and Hispanic Americans live in communities with uncontrolled toxic waste sites.⁸

Since the publication of this study, several others have been done which corroborate or refute its findings.⁹

As suggested by the conflict over the findings of the UCC report, the environmental issues arena is divided; the most rigid division being between environmentalists and EJ.

James Noel Smith notes: to those more concerned with jobs, welfare, and individual dignity in a deteriorating urban milieu, environmentalism is perceived as a deliberate attempt by selfish white middle-class society to perpetuate its own values and protect its own lifestyles at the expense of the poor and underprivileged. On the other hand, environmentalists perceive themselves to be social benefactors, defending mankind against the forces of despoliation.¹⁰

Established environmentalists groups such as the Sierra Club, Greenpeace, National Wildlife Federation, and others, operate on a distrust of the essential nature of man proclaiming that man will destroy nature if unrestrained.¹¹ In line with this view, 1970s environmental legislation was based on the thesis that unless restricted and prohibited by threat of fine or imprisonment, man will lay waste his own habitat.¹²

On the other hand, the roots of the environmental justice movement lie in two patterns: first slavery; then discrimination and segregation which has confronted black people in America and to a different extent, other racial and national minorities; and the more recent pattern of industrialization, rapid urban growth, unequal distribution of income, unemployment, and inadequate quality of public services characteristic of metropolitan United States.¹³

As a product of the civil rights movement, urban decay and degradation, and environmental awareness, the environmental justice movement does not fit into prescribed roles defined by environmentalists. Historically, while the "Big Ten" environmentalists groups focused on wildlife preservation and conservation in the 1960s and 1970s, activists of color were engaged in mass mobilization and protests to gain basic civil rights. Thus, two parallel and sometimes conflicting movements developed.¹⁴

Although several areas of conflict continue to exist today, the foregoing does not suggest that there are no areas of cooperation. In fact, collaboration is increasing between EJM and mainstream environmental organizations, for example, the Sierra Club funded the Kettleman lawsuit on behalf of El Paso para el Aire y Agua Limpio (People for Clean Air and Water), a Latino grassroots group (discussed later in this article).

Public Policy and Courts

According to Davies & Davies, "there is nothing inevitable about

the pattern of pollution legislation. The scope and pace of federal intervention and initiatives...depends greatly on the nature of the administration in office."¹⁵ Prior to 1970, there was no Environmental Policy Act, no Toxic Substance Control Act, no Occupational Safety and Health Act - virtually nothing in the area of environmental conservation or environmental justice.¹⁶ In 1970, the National Environmental Policy Act (NEPA) was established for the protection, maintenance, and enhancement of the environment.¹⁷

President Nixon was the first to acknowledge an environmental threat from hazardous material, however, it was several years later before any concrete legislation on environmental justice was enacted. Recent environmental legislation comes in the form of President Clinton's Environmental Justice Act of 1992 (EJA) and the executive order 12898 which reinforces the 1964 Civil Rights Act and upholds the principles of environmental justice. Executive order 12898 states that each federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriately, disproportionately high and adverse effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions.¹⁸

EJA attempts to ensure nondiscriminatory compliance with all environmental, health, and safety laws by requiring data collection of environmental health effects. It also requires the identification of Environmental High Impact Areas (EHIAs) and the equal distribution of waste facilities among communities.¹⁹ According to Linda D. Blank, EJA fails both in form and substance to reflect the urgency of the situation. The highly technical language is beyond the understanding of the lives it seeks to protect and the Act does not yield any enforcement statutes.²⁰

In the past, the courts played a limited role in federal enforcement but, in 1971, the EPA rediscovered the 1899 Refuse Act and began to bring a significant number of enforcement actions against polluters.²¹ In recent years, the use of environmental edicts has expanded to encompass civil rights law, poverty law, and environmental law.²²

It has been useful to link environmental justice lawsuits with civil rights provisions such as in the Kettelman City lawsuit.²³

Unfortunately, citizen suits against private parties have suffered several shortcomings. For example, in the case of air and water pollution, it is difficult for the plaintiff to prove the necessary causal relationship since many sources may contribute to the problem. In addition, the high cost of litigation prevents individuals from taking the initiative and when they do, the polluter usually prefers to pay claims rather than install pollution control devices or execute permanent cleanup.²⁴

One attempt to overcome the problem of individual litigation is class action suits. However, the efficacy of this apparatus was diminished in the 1973 case, *Zahn v. International Paper Co.* The Supreme Court ruled that each plaintiff in a class action suit must be able to allege \$10,000 worth of damages.²⁵

Grassroots Activism

Mobilization

With a history of civil rights activism and urban militancy, it is relatively easy to incite anger against environmental racism in the African American community, however, mobilization is a different issue. Steve Lerner quotes Larry Charles of ONE/CHANE as saying, many neighborhoods lack the impetus to mobilize, the wherewithal to lobby their city government, or the personnel to pull together an effective strategy. In addition, there are complex legal issues that they do not have the capacity to define and argue, and the complex technical issues that they cannot analyze.²⁶

Mobilization efforts are strengthened by common bonds among the group such as single neighborhoods, race, language, socioeconomic circumstance, and the urgency of the situation. It is easier for single race and language neighborhoods such as Northeast Community Action Group (NECAG) to mobilize than it is for multiethnic and multi-lingual groups such as People United for a Better Oakland (PUEBLO). Multi-lingual run into basic problems such as translating discussions into various languages at every meeting and this often slows down mobilization. Yet other groups cannot begin to mobilize due to a history of racial enmity such as Alabamians for a Clean Environment (ACE).²⁷

Knowledge also plays a major role in mobilization. As Representative John Lewis puts it, "all Americans have a right to know what is in the air they breathe, what is in the water they drink, and what is in the food they eat."²⁸ In order to inform the people, leaders must be aware of what is going on thus research must be carried out.

Research plays a vital role in the growth of EJM. Minority researchers documented the link between environmental hazards and race and poverty. They developed concepts such as: "environmental blackmail," "environmental racism," and "environmental equity," to challenge and clarify societal thinking.²⁹ The availability of research findings and other political education resources enables neighborhoods to withstand the pressures of environmental blackmail.

Communities are not forced, in an attempt to create jobs, to invite hazardous waste plants. They are able to adequately reflect on the pros and cons of an industry location. Armed with adequate information, communities have a greater chance of blocking proposed facilities since it is relatively easier than to close the operating facilities.³⁰

Political education includes an awareness and knowledge of environmental hazards, capacity or skills building, and participation and network initiatives. Robert Bullard in his study of several grassroots organizations notes that all the groups used public protest, demonstrations, lobbying, fact finding, and hearings to educate their communities and intensify public debates on the dispute. Leaders also organized community workshops and neighborhood forums to keep residents informed on new developments.³¹ Those that won their struggles were adequately informed of the issues, the resources at their disposal, and their networking opportunities.

Empowerment

It is difficult to vote away poverty, ill-health, or urban degradation, but residents can hold their representatives accountable. Each politician regardless of race, should be held responsible for uplifting the environmental conditions of their constituents.³² Pressure groups, consumer boycotts, protests and marches send the message to polluters that the community requires them to clean up their act. As Davies & Davies note, standard setting and compliance are heavily dependent on political pressures applied to the government and the

political power available to pollution control agencies and citizens.³³

As stated earlier, empowerment of community groups through political education improves their chances of effectively protecting their communities against hazardous waste siting. According to Bullard and Feagin, "governmental officials have done a poor job in protecting low-income, working class, and black communities against the ravages of industrial encroachment and environmental degradation."³⁴

African-American communities cannot rely on governments to fight their battles for them especially in light of the fact that the defense industry is a major offender. It is therefore more effective for communities to mobilize support outside of the government while using legislature to support their cause. For example, Concerned Citizens for South Central Los Angeles and its allies applied pressure on key elected officials including Mayor Tom Bradley and succeeded in blocking the siting of a city-initiated incinerator.³⁵

Networking

The environmental justice movement has the unique capability to bring together various groups and people from all professions. This capability was demonstrated in 1992 during the first National People of Color Environmental Leadership Summit in Washington, D.C. Since then, there have been several initiatives at forming multi-ethnic and multi-racial groups e.g. People United for a Better Oakland (PUEBLO) and regional alliances such as the Southwest Organizing Project (SWOP). Most of these organizations are struggling with mobilization issues such as earlier stated.

On April 6 and 7, 1990 SWOP held the People of Color Regional Activist Dialogue for Environmental Justice in Albuquerque, New Mexico. In attendance were one hundred activists from eight states. Although SWOP is not an environmental group, in recent years it has devoted a substantial part of its efforts to environmental justice issues. It believes that a strong and viable regional network will strengthen its local groups.³⁶

There are many benefits to networking. For example, MELA with its network of organizations such as Greenpeace, the Natural Resources Defense Council, the Environmental Policy Institute, and so on, was able to carry out a formidable campaign against a proposed hazardous waste incinerator.

MELA's allies provided valuable technical advice, expert testimony, lobbying, research, and legal assistance.³⁷ Networking also provides the opportunity to take their grievances to a wider audience and possibly globalize environmental justice issues.

Conclusion

The 1982 Warren County, North Carolina protest which started EJM did not successfully halt the construction of a landfill, but, the movement has had many successes since then. These include: the class action suit, *Mathews v. Coye* settled in 1991;³⁸ the Kettleman suit discussed earlier; the EJA and Executive Order 12898, and getting the Departments of Defense and Energy to take responsibility to cleanup several sites.

EJM has grown tremendously as a result of the joint efforts of people of color from every background, community, and profession. However, the overall challenge to the movement remains: how to build the necessary cohesion to engage power on a national and international level without sacrificing its commitment to diversity and grassroots democracy.³⁹ In addition, EJM has to uniformly set goals and develop procedures that make its principles fully relevant to all peoples in the public interest.⁴⁰

People of color have to be especially vigilant to prevent continued exposure of their communities to hazardous materials. As Taylor notes, the Defense Department alone will spend an estimated \$22 billion over the next fifteen years on cleanup projects. The Department of Energy will spend about \$20 billion. These figures are expected to grow by about 10 percent a year as more sites are discovered.⁴¹ Yet, which sites will be targeted for cleanup? Where would the cleaned up material go? And will the path of least resistance to dumping continue to lead polluters to minority communities?

Pollution continues to be a political issue - its definition, measurement, and control - are determined by the prevalent social milieu, thus political mobilization is a must. This paper analyzed the interaction of grassroots organizations within EJM in the very political atmosphere of environmental policy making. In conclusion, it has suggested the need for improvement in the areas of empowerment and networking in order to build a cohesive national, indeed international,

movement.

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Notes

¹ Chavis defined environmental racism as racial discrimination in environmental policy-making and enforcement of laws and regulations, the deliberate targeting of communities of color for toxic waste facilities, and other forms of environmental discrimination. For full quote, see Robert D. Bullard, ed., *Unequal Protection: Environmental Justice and Communities of Color*. (San Francisco: Sierra Club Books, 1994) p. xi-xii.

² Robert D. Bullard, Pam Tau Lee, Beverly Wright, and Dana Alston, "Grassroots Flowering." *The Amicus Journal* (Spring, 1994) p. 32. See also, Robert D. Bullard, *Dumping in Dixie: Race, Class, and Environmental Quality* (Boulder: Westview Press, (1990) , and *Unequal Protection: Environmental Justice and Communities of Color* (San Francisco: Sierra Club Books, 1994).

³ Robert D. Bullard, Pam Tau Lee, Beverly Wright, and Dana Alston, 1994, p. 32.

⁴ For more details, see Robert D. Bullard, ed., *Unequal Protection: Environmental Justice and Communities of Color* (San Francisco: Sierra Club Books, 1994) p. 5.

⁵ Robert D. Bullard, ed., "Anatomy of Environmental Racism and the Environmental Justice Movement" in *Confronting Environmental Racism: Voices from the Grassroots* (Boston: South End Press, 1993) p. 24. See also: Alston, 1990; Bullard 1990, 1992; Bryant and Mohai, 1992.

⁶ Dorceta E. Taylor, "Environmentalism and the Politics of Inclusion" in *Confronting Environmental Racism: Voices from the Grassroots* ed.. Robert D. Bullard (Boston: South End Press, 1993) p. 53-61.

⁷ Deb Starkley, "Environmental Justice: Win, Lose, or Draw?" *State Legislatures* (March 1994) p. 27-30. See also Robert D. Bullard, ed., "Introduction" in *Unequal Protection: Environmental Justice and Communities of Color*. (San Francisco: Sierra Club Books, 1994) p. x.-xxiii.

⁸ UCC Report quoted from Deb Starkey, 1994, p. 27-30.

⁹ For in-depth study, see for example EPA task force report (1992) on environmental issues which conclude that poverty not race was the most determinant factor in waste facility siting. Also, the *National Law Journal* 1992 study on the relationship between race and enforcement of environmental law by EPA. The 1993 study contends that there is discrimination against minority communities by the federal government.

¹⁰ James Noel Smith, ed., "The Coming of Age of Environmentalism in American Society: in *Environmental Quality and Social Justice in Urban America* (Washington, D.C.: The Conservation Foundation, 1974) p.2.

¹¹ Ibid.

¹² Ibid. p.9.

¹³ Peter Marcuse, "Conservation for Whom? in *Environmental Quality and Social Justice in Urban America* ed.. James Noel Smith (Washington, D.C.: The Conservation Foundation, 1974) p.2.

¹⁴ Robert D. Bullard, ed., "Anatomy of Environmental Racism and the Environmental Justice Movement" in *Confronting Environmental Racism: Voiced from the Grassroots* (Boston: South End Press, 1993) p. 22.

¹⁵ Clarence J. Davies & Barbara S. Davies, *The Politics of Pollution* (Indianapolis: The Bobbs-Merrill Company, Inc., 1975) p.27.

¹⁶ Jonathan Croall, "Links in a Chain Reaction" *Times Educational Supplement*, (June 23, 1995, no. 4121) p.11.

¹⁷ Robert D. Bullard, "Overcoming Racism in Environmental Decision making" *Environment* (May, 1994, vol. 36, no. 4) p. 16.

¹⁸ Quoted from Ibid.

¹⁹ Linda D. Blank, "Seeking Solutions to Environmental Inequity: the Environmental Justice Act" *Environmental Law* (July, 1994 vol. 24, no. 3) p. 1109-1136.

²⁰ Ibid.

²¹ See Davies & Davies, 1975, p. 123-125.

²² Sanford Jay Rosen and Tom Nolan, "Seeking Environmental Justice for Minorities and Poor People" *Trial* (December, 1994, vol. 30 no. 12) p. 50-55.

²³ The law suit was filed in 1991 by the California Rural Legal Assistance Aid on behalf of a Latino Community group to halt the construction of a huge toxic waste incinerator proposed by Chemical Waste Management. The suit was filed on both the state and federal level. It won on the state level under the California Environmental Quality Act (CEQA) provisions. See Ibid. for more.

²⁴ See Davies & Davies, 1975, p. 125.

²⁵ Ibid. See also, Robert D. Bullard, ed., 1994.

26 ONE/CHANE stands for Organized North Easterners/ Clay Hill and North End, a grassroots group made up of residents of Clay Hill and North Hartford, Connecticut. Steve Lerner, "Brownfields of Dreams: Can EPA, Developers, and Local Communities Transform Old Industrial sites into New Economic Hopes?" *The Amicus Journal* (Winter 1996) p. 17.

27 ACE is a white- led environmental organization which has not succeeded in mobilizing African- American support against Chemical Waste Management, Inc., in Sumter County, Alabama. For more, see Conner Bailey, Charles E. Faupel, and James H. Gundlach, "Environmental Politics in Alabama's Blackbelt" in *Confronting Environmental Racism: Voices from the Grassroots*

ed.. Robert D. Bullard (Boston: South End Press, 1993) p. 107-122.

28 John Lewis, "Forward" in *Unequal Protection: Environmental Justice and Communities of Color* ed.. Robert D. Bullard (San Francisco: Sierra Club Books, 1994) p. ix.

29 Dorceta E. Taylor, 1993. p. 54-55.

30 Robert D. Bullard, 1993. p.33.

31 Ibid. p. 33.

32 It must be noted that the Congressional Black Caucus has the "greenest" voting record in Congress. Also, the legislation that finally resulted in the EJA was a biracial effort sponsored jointly by Senator Al Gore (D-Tenn.) and Representative John Lewis (D-Ga.) . For further detail on EJA, see Linda D. Blank, 1994. p. 1109-1136.

33 Davies & Davies, 1975. p. 4.

34 Robert D. Bullard and Joe R. Feagin, "Racism and the City" in *Urban Life in Transition* eds. M. Gottdiener and Chris G. Pickvance (Newsbury Park: SAGE Publications, 1991) p. 4-76.

35 Robert D. Bullard, 1993. p. 34.

36 Richard Moore and Louis Head, "Building a Net that Works" in *Unequal Protection: Environmental Justice and Communities of Color* ed.. Robert D. Bullard (San Francisco: Sierra Books, 1994) p. 191-206.

37 Robert D. Bullard, 1993. p. 32.

38 The suit called for the state of California to screen an estimated 500,000

poor children for lead poisoning at a cost of \$15 to \$20 million. See Bill Lann Lee, "Environmental litigation on Behalf of Poor , Minority Children: Matthews v. Coye : A Case Study" Paper Presented at the Annual Meeting of the American Association for the Advancement of Science, (Chicago, April, 1992) quoted in Robert D. Bullard, 1993, p.26.

39 Hawley Truax, "Unequal Protection: Environmental Justice and Communities of Color (book review)" *Environmental Action Magazine* (1994, vol. 26, no. 2) p. 12-15.

40 James Noel smith, 1974. p.x.

41 Dorceta E. Taylor, 1993. p. 60.